## <u>REMARKS</u>

Reconsideration and withdrawal of the objection and rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1, 2, 4-8 and 10-13 are now pending in the application, with Claims 1 and 7 being independent. Claims 3 and 9 have been cancelled without prejudice or disclaimer. Claims 1, 5 and 7 have been amended herein.

Applicant notes with appreciation the indication that Claims 3 and 9 recite allowable subject matter. The subject matter of Claims 3 and 9 has been incorporated into independent Claims 1 and 7, respectively, and Claims 3 and 9 have been cancelled herein. Thus, Claims 1 and 7, as well as Claims 2, 4-6, 8 and 10-13, which depend therefrom, are believed to be in condition for allowance.

Claims 1, 2, 4-8 and 10-13 were rejected under 35 U.S.C. § 102. Those claims are seen to be in condition for allowance for the reasons noted above. The foregoing actions have been taken without prejudice or disclaimer of subject matter, and without conceding correctness of the rejections, but rather strictly to obtain an earlier allowance and to expedite issuance.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the objection and rejection set forth in the abovenoted Office Action, and an early Notice of Allowability are requested.

Application No. 10/765,857

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

Mark A. Williamson Attorney for Applicant Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO 30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

MAW\agm

DC\_MAIN 225789v1